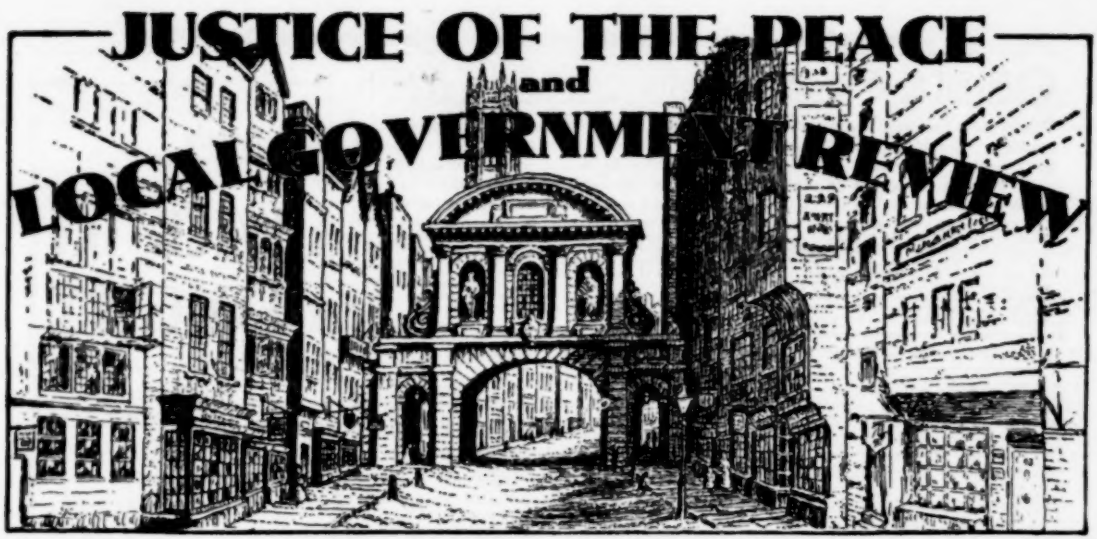

VOL. CXV. LONDON: SATURDAY, NOVEMBER 24, 1951. No. 47

CONTENTS

REPORTS

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The appointment will be subject to the provisions of the Local Government Superannuation Act, 1937, and the successful candidate will be required to pass a medical examination. Canvassing, directly or indirectly, will disqualify.

Applications, stating age, qualifications and experience, giving the names of two referees and endorsed "Assistant Solicitor," must be delivered to me not later than December 8, 1951

HERBERT C. WELLER,
Town Clerk.

Municipal Offices,
Guildford.
November 14, 1951.

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Forms of application with Conditions of Appointment, may be obtained from the undersigned to whom completed applications endorsed "Senior Assistant Solicitor" must be returned by December 5, 1951. Canvassing disqualifies.

W. WOODWARD,
Town Clerk.

Council Offices,
Bexleyheath,
Kent.

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Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the above appointment.

The appointment will be subject to the Probation Rules, 1949 and 1950, and the salary will be in accordance with such Rules and subject to superannuation deductions. The successful applicant will be required to undergo a medical examination.

Forms of application may be obtained from the undersigned and applications should be received by me not later than December 8, 1951.

NEVILLE MOON,
Clerk of the Probation Committee.

County Hall,
Hertford.
November 24, 1951.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

Appeals against Sentence

The result of an appeal against sentence is often a little disappointing to the justices appealed against, who have probably given careful consideration to the question of punishment and feel, rightly or wrongly, that they are as competent as anyone to assess sentence. This is unavoidable, and no one, we imagine, would wish to abolish the right of appeal against sentence. What many justices feel is that an appeal to a court of county quarter sessions is satisfactory enough, but that in a borough court the position is quite different. At county sessions there is almost sure to be a chairman who is an experienced lawyer, perhaps a judge of high rank, and with him are several justices who together form the court. In a borough with a separate court of quarter sessions the Recorder sits alone, and although he is a barrister of experience he is not likely to be more highly qualified than most chairmen. Why then, it is asked, should not the Recorder sit with lay justices so as to arrive at a collective decision?

There is nothing new in all this, but it is brought to mind by the report in a north country newspaper of a case in which the result of an appeal to a borough court has aroused interest and provoked comment in an editorial. A motorist who had apparently pleaded guilty to several offences which were regarded by the justices as serious, appealed to quarter sessions against the fines and disqualification imposed upon him. The Recorder reduced the fines and removed the disqualification. It is stated that there were no new mitigating circumstances disclosed, and the article goes on:

"The awful toll in life and limb, due as much to reckless driving and speeding as to driving under the influence of alcohol, is constantly urged upon magistrates as a reminder to them to do their duty and impose such penalties as might discourage would-be offenders as well as to punish adequately those found guilty of such offences.

"Yet when magistrates shoulder this responsibility and impose sentences which they consider adequate, however much they dislike the duty, their efforts are handicapped if, on appeal, penalties in such a case as this are reduced or removed completely."

Discharge of Adoption Order

In New Zealand, where apparently adoption was legalized earlier than in this country, there appears to be power in the court to discharge an adoption order. *The Honorary Magistrate* reports the judgment of a stipendiary magistrate upon an application, made under s. 22 of the Infants Act, 1908, for the discharge of an order. This is interesting, as opinions are divided as to the desirability of conferring such a power upon the courts in this country. Generally, we believe, the view is that the utmost care should be exercised and the fullest inquiries made before an adoption order is made, but that once made it should be permanent, subject only to the possibility of a second adoption.

In the New Zealand case, the application was by the adopters on the ground that the child was considered to be mentally defective. The natural mother had been asked to take the child back, but was unable to do so, and another arrangement had broken down. For the time being the child was in a foster home. The learned magistrate observed that the law imposed an obligation upon adopting parents, and the courts must scrutinize with care any application by adopting parents to be relieved of the responsibilities which they had undertaken. Inquiries and medical examinations are often undertaken before adoption, but the fullest inquiry and the most careful examination may fail to reveal some latent physical or mental defect or some vicious or other baleful propensity. However, the possibility, slight fortunately though it was, of some defect or propensity developing was one of the risks which both natural and adopting parents must accept.

The statute laid down clearly the status of the adopted child and the responsibility of the adopter in solemn form. There might be circumstances which would justify the court in discharging the order of adoption, but to do so merely because the child has become mentally defective would be legally and morally wrong, unless a wilful fraud had been perpetrated upon the adopting parents. In the present case there was no suggestion of any fraud by non-disclosure, and the application would be refused. The Child Welfare Department would be directed to investigate the matter with a view to having the child committed to the care of the Superintendent, if the adopting parents refuse to carry out their legal and moral responsibilities.

Probation Officers' Salaries

We print elsewhere in this issue a learned contributor's opinion, *contra* that which we ourselves expressed at p. 585, *ante*, upon the meaning of the verb "prescribe" in its modern statutory use. Our contributor succeeds in showing that the word, chosen as we had supposed for the sake of greater precision that would have been conveyed by many of its near-synonyms, can nevertheless not be given a precise meaning. Even within the one schedule to the Criminal Justice Act, 1948, on which the present issue turns, there are several things to be "prescribed"; things which, in themselves, are not all capable of the same measure of definition in advance, and the same is true of the matters dealt with in the Home Secretary's Rules made for different purposes under the Act. There is, however, a fallacy in suggesting, as our learned correspondent does, that because A can only be "prescribed" within limits therefore B, which is inherently capable of precision, is intended to be prescribed within limits

instead of precisely. The context and subject have to be regarded. Our contributor, disturbed by an "increasing concentration of control over local affairs in the hands of government departments" (a common assertion; we doubt whether it would stand the test of critical examination) considers that our interpretation of the word "prescribe" would mean that "in the case of the probation service all control over officers' salaries [would] pass from the local bodies who employ and pay the officers . . ." To this we think there are two answers. Parliament might have intended this result, and what we are concerned with is what Parliament intended, as we said at p. 653, *ante*, not whether its intention was meritorious. Secondly, the "local bodies who employ the officers" do not "pay" them except in a technical sense. The true paymasters are the ratepayers and taxpayers; although in recent years (contrary to the "concentration" of which our contributor complains) very great latitude has been obtained by elected local bodies—which, by the way, probation committees are not—in spending money raised by rates and even taxes, there is nothing unnatural or even derogatory in Parliament's having wished in this case to keep such expenditure within the ultimate control of a Minister responsible to itself.

Delaying Telegrams

A sixteen year old telegraph boy who was said to be too idle to deliver telegrams, and had ignored a large number in order "to finish," was fined a total of £2 on two separate charges, and ordered to pay 3*s.* costs, at Birmingham Juvenile Court.

Three of the delayed telegrams were read. They were: "Your leave expires.—Commanding Officer"; "Sailing tonight.—Sue"; and "Funeral Friday.—Albert."

For the Post Office, it was said the boy had been employed for ten months, and altogether twenty-seven telegrams were found in his overcoat, in a cupboard and also in his shirt, when he was searched.

He was charged with two cases of failing to deliver telegrams and asked for thirteen other cases to be taken into consideration.

It must be assumed that the boy did not actually know the contents of the telegrams, but if he was possessed of ordinary intelligence he should have realized that telegrams often deal with matters of great urgency, and that delay may cause serious complications and may add to the anxiety of people who are in trouble. No doubt the importance of avoiding slackness would be impressed upon him when he was engaged, and his ten months of experience ought to have added to his sense of responsibility. If he could not finish his work at what he considered to be the proper time, his right course was not to delay or conceal the telegrams, but to report to his superiors. Unfortunately, irresponsiblity on the part of young people seems to be on the increase, in spite of, or can it be because of, the relatively high wages they now receive.

Nottinghamshire Weights and Measures Department

The general position disclosed in the report of the Chief Inspector of Weights and Measures for Nottinghamshire is highly satisfactory. Here, as elsewhere, there appears to be a friendly relationship between traders and inspectors, visits and advice being usually welcomed. Regular visits are paid to shops, markets, warehouses, garages, coal mines, quarries, factories, railway stations and other places where weighing and measuring appliances are used, many of them at quite unexpected hours. During the year under review, 6,659 visits were paid, for the purpose of examining weighing and measuring instruments, but there were only five prosecutions in respect of unjust weighing instruments; of 4,874 loads of coal checked during the same period only eight were found to be materially deficient in weight. It is claimed that the incidence of short weight in the county is much lower than in most other cases. It is felt that there should be a greater check upon other kinds of fuel, and it is anticipated that this difficulty will be remedied by the Nottinghamshire County Council Act, 1951, which enables byelaws to be made regulating the sale of coke, wood fuel and manufactured fuels, and extends to such articles certain provisions of the Weights and Measures Acts which were previously applicable only to coal.

Far less satisfactory is the state of affairs relating to fertilizers and feeding stuffs. During the year seventy-four samples were taken on behalf of purchasers, of which number twenty-five failed to comply with the declaration as to quality. The report urges farmers and horticulturists to make greater use of the services of inspectors which involve no cost to them.

The department discovers many infringements of the Shops Acts, but few of them are serious and most of them are committed unwittingly. As the Chief Inspector observes, the law relating to closing hours and employment in shops, cinemas, etc., is extremely intricate, and the inspectors spend a good deal of time giving advice and warning. A number of formal warnings were issued, but no case was considered to be sufficiently serious to warrant legal proceedings.

Weighbridge Testing

The Nottinghamshire report contains some striking particulars of the way in which manpower can be saved by a new method of testing weighbridges. This testing has for long been a problem, and it has been accentuated by the high cost of labour, and transport and by current manpower difficulties. The report states:

"In order to meet this problem, special weighbridge testing equipment was designed in the Department and has been provided by the County Council. The equipment consists essentially of twenty half-ton iron roller weights and a specially adapted vehicle for carrying them. The vehicle is fitted with electrically-operated lifting gear for loading and unloading and with steel "nests" in which the weights are carried. The half-ton roller weights may easily be moved on a reasonably level surface by one man and may be applied to a weighbridge in about the time taken to apply one *cwt.* and with much less physical effort. The equipment was brought into use as the period covered by this report closed. It is now producing excellent results with very great economies in manpower, time and heavy manual labour. Many other Weights and Measures authorities have shown considerable interest in the equipment and some are now in course of providing a similar unit for their own use. The equipment was recently demonstrated to members of the committee and to chief officers of other authorities. The economies of the equipment were shown in a test of a modern twin platform weighbridge when nine tons of weights were placed in eight test positions on the platforms by two men in twenty-two minutes. Using fifty-six *lb.* weights this test would have occupied six men for the greater part of a day and involved a total lift by manual labour of seventy-two tons."

Delegated Legislation

A paper by Mr. J. A. G. Griffith in the October number of the *Modern Law Review*, called "The Place of Parliament in the Legislative Process" is a thoughtful contribution to the controversy in which Lord Hewart was and Dr. C. K. Allen still is the protagonist on the other side. The thesis that provisions of the law which are nowadays put into Statutory Instruments ought to have been enacted by Parliament itself

is examined minutely, with reference to a number of modern instances. It is, for example, shown by reference to a number of Statutory Rules and Orders dealing with factories that it would scarcely have been practicable to include their provisions in a Bill to be discussed in Parliament, and one polemical statement by Dr. C. K. Allen in *Law and Orders* (that a certain provision of 1929 was an "unprecedented" form of delegation) is disproved by reference to statutes of 1897 and 1911, while a further statement (that certain regulations had been repealed by Parliament and re-enacted in a condensed form, thus showing that they could have been enacted by Parliament in the first place) is also shown to be only partly true in fact, and misleading as regards conclusion. Our own readers are for the most part so familiar with the modern type of legislation, where Parliament lays down the main principles, leaving them to be implemented by Statutory Instruments, that probably they hardly need convincing that this is the only practical way to deal with modern problems. It is, however, still so common to find attacks made upon this type of legislation, and sinister motives imputed, that Mr. Griffith's paper should be studied. We notice, however, that at one point in the field of our special interests he does not make the most of his own case. This is the provision in the Local Government (Boundary Commission) Act, 1945, which empowered the Minister of Health after consultation with local authorities to make regulations prescribing general principles, by which the Commission were to be guided in the exercise of their functions. Since those regulations had to be approved by affirmative resolution in both Houses it is, says Mr. Griffith, not clear why consultation with the local authorities could not have preceded the drafting of the Bill, and the "principles" then have been incorporated in it, just as the Requisitioned Land and War Works Act, 1945, laid down the principles which were to guide the War Works Commission in considering disputed ministerial proposals to acquire land or rights. Both these Acts, it is worth remembering, were passed at the instance of the Coalition Government in which (to say the least) Conservative opinion was strongly represented, so that they should not be regarded as an affront to that section of (predominantly) Conservative opinion which objects to delegated powers on constitutional grounds. The difference between the two Acts surely arose from the different nature of the subject matter. The Requisitioned Land and War Works Act, 1945, was concerned with public money and with the rights of private persons, two matters which Parliament normally desires to keep in its own hands. The Local Government (Boundary Commission) Act was concerned entirely with drawing afresh the administrative boundaries of local authorities. Private persons were not, as such, concerned, nor was the expenditure of public money, tax money or even rate money, at stake. It was more appropriate that the discussion between the Government of the day and local authorities should take place after Parliament had determined what were to be the powers of the Commissioners, rather than before. The reason, therefore, for embodying the guiding principles in regulations and not in the Bill itself was not, as Mr. Griffith suggests, departmental convenience, but because this was the better way of ensuring that Parliament would have its intentions carried out. It did indeed ensure that Parliament had two bites at the cherry, first upon the Bill where it considered what the Commissioners' powers were to be and a second time upon the regulations when it had the opportunity of saying how those powers were to be used.

The Governmental Car

At the time of going to press, we have seen no more than appeared in the Prime Minister's first communication, about the decision to cut down the use of motor cars by his colleagues, the same communication as stated the intention to reduce for a time their and his salaries. Although the saving to the nation is not impressive, after tax liability is considered in relation to the salaries, and loss of working efficiency in relation to the motor cars, the twin gestures were no doubt worth while: especially, perhaps, that of cutting down the cars, with the result, as joyfully acclaimed by a government supporter, that Ministers *who do not own cars* (italics are ours) will have to walk—it would have been more true, if less spectacular, to say that they will either have to walk or have to use means of public transport. It has been stated that the late Government was the first to make cars available at the public expense for all its members: this was not necessarily objectionable, since it put those who had no cars of their own on a level with those who had private means in addition to their salaries. The change now announced is not economical, or in accordance with everyday commercial practice, but it may for all that be good sense, just as the salary cut showed better political understanding than Mr. Asquith's "I take my salary, and I mean to continue to take it," or even the pooling of salaries in the first Coalition Cabinet. In a matter of this sort appearance counts, and keeping up appearances is not hypocrisy. Years earlier, under the late Government, it had been pointed out that the use of official cars should not give occasion for criticism of the conduct of civil servants on the ground that they enjoy travelling privileges denied to other members of the community, and thus bring discredit on the Service—very strict rules were laid down for cars used by the Government's employees, even at the time when the late Government had decided upon cars for all its own members. This matter, of paying regard to the reactions of the public, was touched upon (not for the first time) at 114 J.P.N. 14.

Distinction and Opinion

The distinction made by the late Government, between cars for themselves and no cars for officials, even of high rank, was, like the new decision of the present Government, probably right in a political sense, and we should like to be sure, from the point of view of effect on public opinion in these days of rising costs, that local authorities always took due care that motor vehicles under their control were used reasonably and discreetly, by which we mean that there should be no excessive use, and that even use which can be justified on merits should be avoided in the interests of appearances, where it can be so avoided. It is most desirable that local authorities should take care that the use of their official cars will not give occasion for criticizing members and officials, on the ground that they enjoy travel privileges denied to other members of the community. There seems no reason against following the governmental rule, that official cars (and private cars for which the use of official petrol is allowed) must not be used for private journeys, or even for official journeys if public transport can be used without serious loss of officially paid time. Journeys between home and office, in particular, could be banned. This is a thing which needs to be watched more than ever, in the present alertness of the public mind which has been brought about by the arguments concerning socialism. We have lost track of the originator of the phrase "jobs for the boys," which has become so popular in the House of Commons and the party press, and we are not to be taken as endorsing it. At the end of our Note at p. 692, *ante*, about third class or first class travelling by rail, we questioned the propriety of providing first class travel for a mayor as such, and we have before now pointed out that mayoral cars (though regularly passed at audit, where district audit applies)

are nowhere recognized by statute, and are in reality a dubious item of expenditure.

Certainly there can be no justification for the sort of use which comes to light at times, upon travel not necessary for the mayor's duty, and, if the problem were considered without regard for a wholly fanciful idea of dignity, we can scarcely doubt that the public at large would say of mayors, as the newspaper we have quoted above implied in regard to Cabinet Ministers, that no harm would be done if they had to walk. What we are concerned about is that local authorities, in their own field (which lies so much nearer to the ordinary member of the public than that ploughed by Ministers, or Whitehall staffs, or the staffs of nationalized industries) shall not, by heedlessness or otherwise, give any opening for the same shafts to be aimed in their direction as the new Government is now by inference hurling at the cars used by its predecessors.

ORDERS MADE ON THE GROUND OF A WIFE'S CRUELTY TO THE HUSBAND'S CHILDREN

If the welcome progress of consolidation of the statute law is continued under the new Government, one of the branches of the law which appears ripe for consolidation is that relating to the jurisdiction of summary courts in matrimonial matters and the guardianship of infants since the powers of the courts under these heads have now to be sought for in no less than twenty Acts. If such consolidation is undertaken it is to be hoped that the opportunity will be taken to solve a difficulty which has been present since 1925, but which has assumed a practical importance only since the coming into force of the Married Women (Maintenance) Act, 1949.

The Summary Jurisdiction (Separation and Maintenance) Act, 1925, refers to the Summary Jurisdiction (Married Women) Act, 1895, as the "principal Act," and enacts in s. 1 (3) that "amongst the grounds on which a married man may apply for an order or orders under the principal Act there shall be included the grounds that his wife has been guilty of persistent cruelty to his children." Unfortunately the principal Act does not make any provision whereby a married man may apply for an order, and it was not until the introduction of s. 5 of the Licensing Act, 1902, that a husband could apply to a summary court for any relief in respect of his wife's matrimonial failings. At the time the Act of 1925 was passed, the maximum amount which the husband could be required to pay to his wife if she obtained an order against him was £2, and equally if he was successful in obtaining an order against her on the grounds that she was an habitual drunkard the maximum he could be ordered to pay on her behalf was £2. Under these circumstances it made no practical difference—as far as the amount of money was concerned—whether a court which made an order against a wife on the application of her husband on the ground of her cruelty to his children considered that it was acting under powers given by the Act of 1895 or that of 1902. Now, however, the question may be of more than theoretical interest for the Married Women (Maintenance) Act, 1949, has increased the maximum which may be ordered under the Summary Jurisdiction (Married Women) Act, 1895, to £5, but has left untouched the maximum of £2 which may be awarded under the Licensing Act, 1902.

The puzzle arises from the fact that the amendment introduced by the 1925 Act does not really fit in with the procedure under either the Act of 1895 or that of the Act of 1902. One suggested solution is that the words "amongst the grounds" and "there shall be included" may be disregarded so that the subsection is to be interpreted to read "a married man may apply for an order under the principal Act [on] the ground that his wife has been guilty of persistent cruelty to his children." However, even if this interpretation is adopted, the powers of the court are not altogether clear. Section 5 of the 1895 Act empowers the court to make an order containing all or any of the following provisions: (*a*) a provision that the applicant be no longer bound to cohabit with her husband . . . ; (*b*) a provision that the legal custody of any children of the marriage between the applicant and her husband while under the age of sixteen years, be committed to the applicant; (*c*) a provision that the husband shall pay to the applicant personally . . . such sum not exceeding £5 as the court shall . . . consider reasonable (*d*) a provision for the payment . . . of the costs of the court . . . Now, where the husband is the applicant, provision (*a*) would clearly seem to be of no effect; provision (*b*), with the substitution of "wife" for "husband" can be made effective; provision (*c*) would again seem to be of no effect, for it could hardly be argued that the wife should pay money to the applicant, *i.e.*, the husband: but equally this subsection does not enable the court to order the applicant to pay money towards the maintenance of the "defendant." It might perhaps be argued that this construction —which depends upon a literal meaning being given to the word "applicant"—cannot be proper since it does lead logically to the absurdity that the wife might be ordered to pay money to the husband. According to this view, although the husband is the formal "applicant," the section must mean that the wife shall no longer be bound to cohabit; that the husband shall pay money for the maintenance of his wife, etc. However if this view is adopted, it would seem that the only power of the court to deal with the children of the marriage under this section is to commit them to the wife, unless it is going to be argued that the word applicant is to have a different meaning attached to it under the heading (*b*) from that which it has under the other headings.

However, if there are difficulties in reconciling the amendment introduced in 1925 with the Act of 1895 it is equally difficult to maintain that the amendment must refer to the Licensing Act, 1902. In the first place the amendment specifically refers to the principal Act, and not to the Licensing Act. Further, had it been intended that the application should be under the Licensing Act, it would have been a simple matter to have provided, as the subsequent Matrimonial Causes Act, 1937, provided, that a husband should be entitled to apply to a court of summary jurisdiction on the ground of his wife's cruelty to his children, and that the powers of the court should include powers to make any one or more of the orders set out in s. 5 of the Licensing Act, 1902.

Clearly, in a matter such as this, it is impossible to be dogmatic: however, since in the other two cases in which a husband can apply to a summary court for an order against his wife, the maximum he can be ordered to pay towards her maintenance is £2, it is, in the opinion of the writer, more in keeping with the general tenor of the Acts, to assume that it was the intention of Legislature that an order made against the wife on the ground of her cruelty to the husband's children, should be generally similar to an order made on the grounds of her drunkenness or adultery. Hence, as a practical solution, the writer would be prepared to advise justices that the maximum order which could be made against a husband in these circumstances is £2.

FOOD STANDARDS PROSECUTIONS

By H. A. H. WALTER, M.A., LL.B., (Cantab.), *Deputy Clerk of the Holland (Lincolnshire) County Council*

The Minister of Food has power to regulate the composition of food for different purposes under various statutes. For some of these purposes food and drugs authorities as defined by s. 64 of the Food and Drugs Act, 1938, are empowered to institute proceedings but it is the practice of a number of such authorities, with the blessing of the Minister of Food, to take proceedings also under s. 3 of the Food and Drugs Act, 1938, for offences which are really only infringements of control orders made under the Defence (General) Regulations. It is submitted that the convictions so obtained are bad in law. It is proposed in this article to analyse and distinguish the three methods available to the Minister of Food to regulate the composition of an article of food.

Before the second world war it was the function of the Minister of Health to make regulations under s. 8 of the Food and Drugs Act, 1938, regulating generally the composition of any food; regulations so made must under the statute be expressed to be, in the opinion of the Minister, necessary or expedient for preventing danger to health or loss of nutritional value, or otherwise for protecting purchasers. By s. 101 of that Act certain regulations made for these purposes under repealed statutes were kept in force. By the Transfer of Functions (Food and Drugs) Order, 1948, the functions of the Minister of Health to make such regulations were transferred to the Minister of Food. Proceedings for infringements of regulations made under s. 8 (1) (*c*) of the Act of 1938 and those kept alive by s. 101 are, of course, instituted by the Food and Drugs authorities.

There is a second class of orders relating to the composition of food, namely, those made by the Minister of Food by virtue of reg. 2 of the Defence (Sale of Food) Regulations, 1943. Orders are made by the Minister "if it appears to him expedient so to do for the protection of the public or the maintenance of supplies or services essential to the life of the community." In practice the composition of food for the protection of the public is now regulated by instruments made under reg. 2 of the Defence (Sale of Food) Regulations, instead of by regulations under s. 8 of the Food and Drugs Act. The procedure, which is similar to that under the Food and Drugs Act, is laid down in the Food Standards (General Provisions) Order, 1944. For infringements of instruments made under the Defence (Sale of Food) Regulations, food and drugs authorities are expressly authorized by reg. 5 to institute proceedings, though the Minister has power to do so as well or to require the Food and Drugs authority to obtain his consent before proceeding.

The Minister of Food has power under regs. 55, 55AA and 55AB of the Defence (General) Regulations to regulate the price, composition, etc., of many articles of food and it is this third method of dealing with the composition of food which has caused a misunderstanding of the principles governing enforcement. It is necessary, therefore, to examine the reason for dealing with the composition of food under the Defence (General) Regulations rather than by the first two methods. Regulation 55 gives power to the Minister of Food by Order to provide for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles of any description so far as he thinks it necessary for any of the purposes specified in subs. (1) of s. 1 of the Supplies and Services (Transitional Powers) Act, 1945, that is to say, for (*inter alia*) "So maintaining, controlling and regulating supplies and services as (*a*) to secure a sufficiency of those essential to the well-being of the community or their equitable distribution or their availability at fair prices."

These purposes were extended in rather general terms by s. 1 of the Supplies and Services (Extended Purposes) Act, 1947, so as to ensure that "the whole resources of the community are available for use, and are used in a manner best calculated to serve the interests of the community." In spite of the wide terms of the 1947 Act it seems clear that orders made under reg. 55, though dealing in some instances with the composition of articles of food, are made for economic reasons rather than for the reasons which govern the making of regulations under s. 8 of the Food and Drugs Act, 1938, or orders under the Defence (Sale of Food) Regulations. The distinction was clearly drawn by the Divisional Court in *Thomas Robinson Sons and Co., Limited* v. *Allardice* (1944) 108 J.P. 101. In that case proceedings had been brought under s. 3 of the Food and Drugs Act, 1938, for the sale of a certain food which was not of the nature, substance and quality demanded by the purchaser in that it did not consist of a particular product defined by an order made under Defence Regulation 55. In his judgment Lawrence, J., said: "The Order was not made under the Food and Drugs Act at all and may have had no reference to the objects of that Act. It was made under the Defence (General) Regulations and may have been made for economic reasons." Wrottesley, J., agreed, saying: "First of all in the information, then I suppose in the summons, certainly in the observations given in the evidence of the analyst, and finally in the reasons given by the justices, we find reliance placed upon an alleged breach of the Starch Food Powders (Control) Order, 1941. That has nothing whatever to do with the Food and Drugs Act, and may well have been purely sumptuary legislation for the conservation of wheat. Therefore, it is obvious that the justices on their own showing took into consideration something irrelevant."

One must, therefore, consider the objects of the orders made to prescribe the composition of an article of food. For example, the Meat Products and Canned Meat (Control and Maximum Prices) Orders prescribe the minimum meat content of pork sausages. It is obvious that the minimum meat content must depend on the availability of pig and other meat from time to time; the statutory minimum under numerous orders has in fact varied accordingly. The orders prescribing the temporary minimum meat content were not intended so to define pork sausages that the public would for a reasonably long period know that an article sold under that name should contain a prescribed proportion of pig and other meat; this type of order is made solely to deal with food which is temporarily in short supply. It relates to the rationing, fair distribution and conservation of food supplies rather than to permanent food standards as such. The enforcement of such an order has never been delegated to food and drugs authorities and it must be quite wrong for them to assume the statutory right to institute proceedings for infringement under the Food and Drugs Act just because there is a temporary standard of some sort which may change again next week when meat is more or less plentiful.

The penalty under the Defence Regulations for a first offence of selling pork sausages containing less than the current minimum meat content is, on summary conviction, imprisonment for not more than three months and/or a fine of £100, whereas the maximum penalty for such offence, if proceedings could properly

be brought under s. 3 of the Food and Drugs Act, would be a fine of £20. It might well happen that a trader might find himself before the court on informations laid by both the Minister of Food and the Food and Drugs authority in respect of the same article of food sampled on the same day by two officers unknown to each other. It seems, therefore, to be absurd as well as wrong for a sampling officer of the Food and Drugs authority to lay an information under s. 3 of the Food and Drugs Act instead of reporting the circumstances to the Minister of Food for him to consider a prosecution under the Defence (General) Regulations, when it would be quite proper for the Sampling Officer to give evidence for the prosecution.

WHAT DOES PRESCRIBING MEAN?

[CONTRIBUTED]

The article on this subject (*ante*, p. 585) and the footnote to the subsequent correspondence (*ante*, p. 653) deal with the meaning of the word "prescribe" with particular reference to para. 3 (1) (*b*) of sch. 5 to the Criminal Justice Act, 1948, which makes it the duty of every probation committee to pay to their probation officers such remuneration as may be prescribed. Although it is recognized that the point may be arguable, the view there expressed is to the effect that the word "prescribe" should be taken as equivalent to "fix" and that the Home Secretary would not be doing what Parliament intended if within prescribed limits he allowed local discretion in fixing the precise salaries in the light of local considerations for officers in the higher ranks of the probation service.

In the previous article statutory provisions relating to the police, the fire service and the health service were contrasted, but the object of the present article is to suggest other relevant considerations and that, in construing the word "prescribed" in sch. 5 to the Criminal Justice Act, 1948, attention should primarily be focused upon the schedule itself. By para. 6 of sch. 5 the expression "prescribed" means prescribed by rules of the Secretary of State and the power to prescribe is conferred by sch. 5 on at least a dozen different occasions. If "prescribe" is to be construed as synonymous with "fix" in relation to salaries, it would seem that it must be similarly construed in connexion with the other matters dealt with in the schedule. Some of these are, however, of such a nature as only to be susceptible of regulation within fairly broad discretionary limits, such as, for instance, the number of members of single-area probation committees under para. 2 (1) (*b*); the number of members of case committees in combined areas under para. 2 (2) (*b*); the qualifications of co-opted members of probation committees and case committees under para. 2 (3); miscellaneous duties of probation committees and case committees under paras. 3 (1) (*e*) and 3 (6); after-care of persons released from custody and other miscellaneous duties of probation officers under para. 3 (5); expenses of probation officers under para. 3 (1) (*b*) itself; payments in respect of probationers subject to residential conditions under para. 3 (1) (*d*); and financial and other assistance to probationers under para. 3 (2). Moreover, mere notification, approval, or other determination by the Secretary of State would not amount to a prescribing by rules and if "prescribe" must be taken as synonymous with "fix" for the purposes of sch. 5 it would follow that not only are rr. 60 to 62 of the Probation Rules, 1949, and r. 4 of the Probation Rules, 1950, relating to salaries and allowances, *ultra vires* but also other rules contained in the Probation Rules, 1949, such as rr. 5, 8, 67 (1) (*b*), and 68 to 70, and possibly a number of further rules in so far as they confer local discretion.

It seems not unreasonable to suppose that for the purposes of sch. 5 "prescribe" is intended to be equivalent to "regulate" and indeed the phraseology of para. 6 itself and its relationship to the preceding part of sch. 5 give support to this view. Moreover it is of some interest to compare the repealed provisions of the Criminal Justice Act, 1925, s. 8 (*b*) of which empowered the Secretary of State to make rules for *fixing* scales of salaries and remuneration to be paid in the case of probation officers. Rules 60 to 65 of the Probation Rules, 1926, purported to confer a measure of local discretion which, though subsequently removed in the case of ordinary officers in accord with the policy of the Departmental Committee on Social Services in Courts of Summary Jurisdiction (1936: Cmd. 5122) still remained in the case of the higher ranks of the probation service at the passing of the Criminal Justice Act, 1948, and indeed the Departmental Committee did not think that a uniform scale would be appropriate for Principal Probation Officers in all areas but expressed the view that their salaries should have regard to the responsibilities of the post and other circumstances in each particular case. It seems at least conceivable that Parliament adopted the word "prescribe" in the Act of 1948 in the light of existing practice and as permitting more latitude than would an expression such as "fix." In this connexion while the Oxford English Dictionary defines prescribed as "laid down, appointed, or fixed beforehand; ordained, appointed, set, fixed, defined," the latest and most apposite quotation there given is of the use of the word in the context "within its prescribed limits."

Increasingly do we find in recent years the concentration of control over local affairs in the hands of government departments and it seems a sad reflection upon local government if in the case of the probation service all control over officers' salaries should without comment pass from the local bodies who employ and pay the officers to a central department which by statute is precluded from contributing more than one half of the expenditure by way of grant. Possibly however the position may not be too unsatisfactory in actual practice. Following the Criminal Justice Act, 1948, a joint negotiating body for the probation service was created, representative of the several employing and paying authorities and of the officers concerned, with the understanding that the Secretary of State would implement by rules the decisions of the negotiating body. Should this negotiating body consider it desirable for the salaries of the higher ranks of the probation service to be dealt with by way of broad salary groupings, with some local discretion having regard to the local circumstances of each particular case, then whatever is the meaning of the word "prescribe," there seems no reason why the individual salary scales should not be thus ascertained and then implemented by rules made by the Secretary of State.

G.N.

CASE HARDENED

The hardest cases came my way,
I often think, in early youth.
Have I got better, or have they?
O which I wonder is the truth?

J.P.C.

SOME REFLECTIONS ON SWEDISH LOCAL GOVERNMENT

PART II

By A. H. MARSHALL

(*Concluded from p. 729, ante*)

The first article was concerned with Swedish local government generally. In this concluding article are discussed some specific features which are relevant either to English practice, or to the new local government which is developing in the colonies.

Like English local government, that of Sweden is single tier in the largest urban centres, and two tier in other areas. The upper tier has no control over the lower tier, each having its independent functions. There are, however, two interesting differences: (*a*) the lower tier is the more important and has the greater range of duties and (*b*) the upper tier authority serves the dual purpose of local authority, and electoral college for the election of the second chamber of the national parliament.

It is not surprising to learn that the use of the "county" councils as an electoral body has made the election to these bodies highly political. Nor is it surprising that the elections to the lower tier have become political too. What is unexpected to the Englishman is that, though the elections are sharply contested on political lines, politics do not enter deeply into the consideration of local government matters and questions. This willingness to keep politics out of the council chamber is one of the most strongly marked features from the point of view of an English official, accustomed to the virtuosity of the English member who is able to make political issues out of almost every question of policy and even out of administrative questions. On this subject it was interesting to be told in Stockholm by the Commissioner for Finance that ninety-nine out of a hundred questions are settled on merit without regard to party considerations, though the elections are, and have been for many years, entirely political. In part, this is a reflection of the quieter tones of Swedish politics, the parties being less deeply divided on fundamental issues. It is however also due to a willingness to appraise problems in the light of local needs and administrative possibilities, rather than from the point of view of political ideology.

Of interest for the Colonial administrator is the example of a local authority fulfilling a dual purpose—as a local government body and as an electoral college for a superior authority, thus saving a piece of governmental machinery. It is particularly interesting to learn that the elective functions do not interfere with, and scarcely colour, the actions of the councils in their capacity as local authorities.

The second feature of Swedish county government is that the greater range of duties, and hence the public interest, are concentrated upon the lower rather than upon the upper tier, which covers a very large area and only meets once a year, when there is a session lasting several days. This is a heartening feature, for there is nothing more frustrating than a lower tier that is almost completely overshadowed by the one above. The presumption is always in favour of the local council with its close local contacts. The large remote local authority soon takes on the characteristics of the State governments in a Federal Constitution. The danger of removing too much from the "local" councils was clearly recognized in the last report of the now defunct Boundary Commission, and will surely be the basis of the reorganization of English local government when it takes place.

Though it has no relevance to English conditions, another feature of Swedish local government is illuminating to Colonial Administration—the retention of Provincial Governors who represent the Crown in the provinces. These Provincial Governors have general duties as the representatives of the Crown. They are the highest police authority, and are responsible for law and order, tax collection, and census. They have also some supervisory powers over the local authorities and appoint the chairman of some local boards. They are the eyes and ears of the central government whom they must keep informed of local needs. Nowadays their control of local government is largely legal, *i.e.*, they see that the resolutions of the local authorities are legally correct; only in a very general way do they supervise the services. Governors must also approve ordinances relating to public order. Provincial governors have a right to be present and to speak at council meetings, a right which they exercise. In the striking Stockholm council chamber can be seen the Governor's Seat, which is just to the side of the dais.

Prima facie, Provincial Governors are the kind of government one expects to find in undeveloped territories. No doubt in Sweden the predominantly rural nature of the country has been one reason for their survival. But, whatever the reason for their existence, these Swedish Provincial Governors clearly fulfil a useful function. In particular, because they are not the servants of any one department and can carry out diverse functions under one roof, they provide the central government with administrative machinery which can be used for many purposes, thus obviating the need for each central department to have its own network of local offices.

It is reassuring to find that the existence of an exalted local representative of the King side by side with the local authority has not overshadowed or inhibited the local units in any way: the tradition of local self government has remained unbroken.

Then there is the question of the competency of the local authorities. In England, because of the strict application of the law of *ultra vires*, the authorities can only do what they are expressly authorized to do. In Germany, and even in France, local authorities may, at least in theory, do any reasonable act for the good of the inhabitants at large, providing it does not conflict with the powers and duties of other governmental authorities. In practice, central governments have not found difficulty in curbing these residual powers. In Hitler Germany, for instance, local authorities were made so dependent upon the central government for funds that these residual powers were practically valueless. But the fact remains that a general power to fill local gaps in public services, and to cope with some local emergency or special need, is a valuable part of local government in many parts of the world, even though it does not anywhere form a proportionately large part of their activities. The lack of it in England is, incidentally, one of the reasons why English local governments exhibit that dull uniformity throughout the country, which inhibits experiment and makes it less interesting than the exciting variety of the local government of such countries as America. In Sweden local authorities have a general competency—the so called "free" projects in contrast to the special contracts, *i.e.* statutory duties, but they must not entrench on the powers of other authorities. Action must be for the benefit of the whole community and not of any particular group, and a committee in 1947 suggested "compatibility with the public

interest" as the test. The guardians against illegal use of the power (or indeed of other powers) are the Administrative Courts who, at the instance of individuals, determine the competency of the local authorities. In practice the existence of a general competency encourages the setting up of small miscellaneous economic enterprises which local conditions make desirable, *e.g.*, one finds in Sweden hotels run by local authorities.

The lack of any residual powers in England is a notable weakness of our local government. But our government services are now so elaborate that, whilst the want of any such power stifle initiative and impoverish local life, no one could pretend that it is responsible for serious gaps in our public services. In the Colonies, it is otherwise: the public services are in their infancy and the life of the community is more varied and less settled. It would, therefore, be a mistake to confine the local authorities to prescribed statutory tasks.

In one respect Swedish government, both central and local, is a model—the thoroughness with which consultation and discussion at all stages is insisted upon. This sometimes proves irksome to the impatient legislator or central department, but it is a price that Sweden is prepared to pay in order to achieve lasting and stable results acceptable to the people. In the local sphere it is illustrated by the multiplicity of committees and the care taken to see that interest and professions are represented. For instance, a government employee—the local physician in chief—often sits on the County Health Board. The Swedes go much farther than we do with such devices as co-opted members, and their methods should receive serious study both by the English and the Colonial administrator.

Even the short and general account which has been given in these two articles is sufficient to show how close, both in spirit and practice, is Swedish local government to that of this country. So often, foreign systems of local government are interesting, stimulating, and instructive; but not relevant to English conditions. Swedish local government is, however, so like that of England in its history, its present structure, its work, its relation to the community, and its division of duties between official and elected member, that it can be usefully compared, point by point, with our own. Further, those directions in which it differs—its relative freedom from central control and its flexibility—are just those respects in which we would fain improve our own system.

Interest in the subject is of course enhanced by the excellence of the services the local authorities provide. Report has not in any way exaggerated the quality of Swedish schools, libraries, or day nurseries—the attractions of which are increased by the importance the Swedes attach to buildings. They conceive of local government services in terms of the buildings as much as in terms of the service itself. How beautifully clean, modern, and functional these buildings are is well known. Indeed, the cumulative effect of inspecting a number of Swedish public buildings is one of the visitor's most lasting impressions of the country. Though one would not claim to have found there anything to match the artistic genius of the Italians, one must admit that the Swedes have evolved a style of building, and particularly of interior decoration, which is eminently suited to this lovely country of flashing water and deep forests.

PUBLISHED ACCOUNTS OF LOCAL AUTHORITIES

The Local Government Act, 1933, and Audit Regulations, 1934, made under Part X of that Act give directions as to the publication of the accounts of local authorities. Section 240 (*c*) of the Act deals with accounts not subject to district audit and directs that after the audit of the accounts for each financial year the treasurer of the borough shall print an abstract of the accounts for that year. This subsection re-enacted s. 27 (2) of the Municipal Corporations Act, 1882, except that the repealed provision required publication of "a full abstract." We have not heard that this phrase has ever been defined. Local authorities, whose accounts are subject to district audit, are required by the Audit Regulations of 1934 forthwith after completion of the audit to make an abstract of the accounts as audited, and to give notice by newspaper advertisement within one month after the receipt of the report of the District Auditor that the abstract has been deposited at the office of the authority, and is open to inspection at all reasonable hours by any local government elector for the area of the authority. Similar rights of inspection apply to abstracts of accounts not subject to district audit and in all cases there is a right to purchase copies on payment of a reasonable sum.

These statutory provisions are variously applied in practice and although some authorities produce abstracts of modest size the majority publish volumes of great bulk containing myriads of figures in the form of accounts and statistical statements, many of which are of little or no interest to the members of the publishing authority.

Some of our readers will recall the report of the "Ray" Committee appointed in 1932 at a time of financial crisis to consider what reductions could be made in local authority expenditure. The eleven reservations made by sundry members of the committee to the main report indicate sufficiently the usual difficulty of securing agreement to the making of any economies whatsoever, and the even greater difficulty of deciding what particular items shall be cut. Nevertheless the committee were unanimous in agreeing on certain recommendations. One of these was that many reports presented both to government departments and to local authorities were over elaborate and that a considerable amount of expense could be eliminated by a thorough overhaul of expenditure on printing. Cited as one of three examples were abstracts of accounts, the committee commenting: "Many of the treasurers so called abstracts consist of bulky volumes of 500 pages or more containing a mass of figures. Section 27 of the Municipal Corporations Act, 1882, requires that the treasurer shall print a full abstract of his accounts for each year, but we cannot think that such elaborate figures as it has now become customary to publish were intended."

Not long after the Ray Committee reported the treasurer of one of our larger cities expressed the opinion in a lecture that a detailed abstract should be printed but the reasons he adduced were unconvincing, some of them even to himself. In the first place he referred to the bonds of custom, mentioning that every item has become sanctified by precedent, but nevertheless considered that the publication was usually overburdened, and added: "It is refreshing sometimes to see a hundred pages or so jettisoned by some more daring treasurer." Secondly he referred to members of the council and their interest in the detailed cost of particular local services. To what extent such interest is general throughout the country it is impossible to say without detailed inquiry but experience of a sample of authorities of various types suggests that a much condensed version incorporating unit costs is all that the great majority of members require. The odd inquisitor can always get all the detailed information he requires from his treasurer. Our

lecturer also thought that comparisons of costs of various services could be made by scrutinizing the abstracts of a number of authorities where the cost of such services was recorded in detail. Unfortunately much more information than can be recorded in an abstract is required before useful comparisons of cost can be made because the conditions under which the service is operated and the methods of working must be investigated in detail.

There is something to be said on the other side. The abstract is a handy work of reference in the office, and various officials may find it convenient to have a copy on their bookshelves. But any information they require is available on request in the actual accounts kept in the treasurer's office, and we wonder whether any slight inconvenience caused in thus procuring it justifies the alternative of expensive printing. And it *is* expensive nowadays, as the following example shows. In 1939 an authority published 150 copies of an abstract of 126 pages costing 10*s.* a page at a total cost of £63. The same authority has recently printed 300 copies of its abstract for the financial year 1950/51, now extended to 341 pages, at a cost of £1 18*s.* 6*d.* a page or £656 in total. Even in these inflationary days that represents a formidable increase. In comparison the cost to the same authority of 300 copies of a small booklet summarizing the main features of the accounts was £30. Incidentally, this publication was highly commended by the members of the authority and the local press, and in the interests of economy the authority has now decided to cease publication of its detailed abstract, finding that the contents of the booklet meet requirements. Even if all local councils do not wish to go as far as this, there is no doubt that considerable condensation would improve most published abstracts and benefit the finances of the publishers.

It is, of course, well known in local government circles that elaboration of information of a kind which has little or no interest for the reader is by no means confined to abstracts of accounts, and there are few annual reports which might not show increased fruitfulness if subjected to stringent pruning. In this connexion we conclude with another quotation from the Ray committee which may be thought very apposite today: "The reports of some Regional Planning Committees have been published in a form which, though certainly attractive and artistic, seems to us to be altogether too expensive."

REVIEWS

Current Legal Problems 1951. Edited by George W. Keeton and Georg Schwarzenberger. On behalf of the Faculty of Laws, University College, London. London: Stevens and Sons, Ltd. Price £2 5s. net.

This is volume four of a series inaugurated in response to many requests. It was in 1946 that the Faculty of Laws in University College, London, established a series of lectures on topical subjects, and these are now made available in annual volumes. The present volume comprises seventeen lectures on a variety of subjects, all by distinguished authors.

Among those which will certainly appeal to our readers are "Diplomatic Immunity In English Law" by D. C. Holland, M.A., "The Standards of the Ordinary Man in English Law," by E. H. Scamell, LL.M., "Malice and Wilfulness In Statutory Offences," by J. Ll. J. Edwards, B.A., LL.B., and "Recent Developments in Divorce Law," by D. Lloyd, M.A., LL.B.

In his paper on "Malice and Wilfulness In Statutory Offences" Mr. Edwards submits the doctrine of *mens rea* to searching examination and comes to the conclusion that there will always be confusion until the principle is accepted that where the word "wilfully" or "maliciously" is used in relation to a statutory offence there must be proof of a guilty mind. He traces the history of the doctrine of *mens rea* which began as a simple principle that no man could be guilty of crime who had not a guilty mind, and he proceeds to show how in modern times the doctrine has been modified so as not to apply to the numerous offences created by absolute prohibition of some Act "the current emphasis is on an objective standard of behaviour to which the accused must measure up at his peril." Numerous cases are cited, examined, and sometimes criticized in a paper which must provoke discussion, help to clear up misunderstanding and perhaps lead to some reform in the law itself.

Mr. Lloyd naturally takes the passing of the Matrimonial Causes Act, 1937, as a starting point for his examination of recent developments in divorce law. On the subject of cruelty he reminds us that the standard laid down in *Russell* v. *Russell* [1897] A.C. 395 still obtains and he adds that "cruelty is obviously a category which is capable of infinite variation, and the courts have therefore kept a firm hold upon it, and prevented it degenerating into mere mutual incompatibility." As to desertion, he observes that since desertion has become an actual ground of divorce, the courts have displayed some uneasiness lest constructive desertion based on conduct less then legal cruelty might imperceptibly create a new cause for divorce. As to adultery, he notes that in proof of such offences the evidence of inquiry agents is now regarded with less disfavour than formerly. He points out, however, that some of the more significant developments since the war have been not in the substantive law of divorce but in procedural matters. The shortening of the period between decree *nisi* and decree absolute is noted, but it is suggested that this will not satisfy those who advocate the abolition of the office of King's Proctor and of the decree absolute itself. The abolition of the rule in *Russell* v. *Russell* [1924] A.C. 687 as to evidence of non-access, a matter which is of practical interest in the magistrates' courts, is welcomed in this paper as it certainly has been in the courts.

In mentioning these two lectures as of special interest to our readers we are not unmindful of the fact that, every lecture is authoritative and valuable. Practitioners and others interested in many branches of law, not forgetting the all important subject of International Law will take pleasure in reading the book from cover to cover.

Rating Valuations of Residential and Business Premises. By E. Rowland Booth. London: The Estates Gazette, Ltd., 1951. Price £2 12s. 6d. net.

This is a book produced by a surveyor and valuer with special regard to the needs of his own profession, in the new situation created by the Local Government Act, 1948. Part III of the Act transferred valuation for rates from local rating authorities to the Inland Revenue, with a new system of appeals, and Part IV established new rules for the valuation of dwellings. It is as yet uncertain what will come of all this, particularly where dwellings are concerned, and we have in other contexts expressed doubt whether any great difference will in the end be found to have been made, in the amount which a ratepayer pays. The fact, however, that the first task of the Inland Revenue and the main object of the transfer to them is to secure a much better measure of uniformity throughout the country, with the elimination of the local causes of difference which have so long existed, must mean that assessments will be reconsidered fairly, whatever be the result of reconsidering them. There will, probably, be much more scope for practice by rating surveyors, and it is for them in particular that Mr. Rowland Booth has compiled this book. Some part of it is inevitably devoted to matters covered by existing works, such as *Ryde* and *Witton Booth*, but a great deal of it is, specifically, devoted to the new position, including the specifications obtained through the Ministry of Health from material collected from local authorities. It will be the valuer's duty to advise upon the particular specification which is most relevant to a particular house, and to make necessary adjustments. There is still room for difference of opinion, regarding such matters as the price per square foot of area, and the mode of showing individual adjustments. Valuers are warned to make due allowance for the quality of building as well as floor area, since defects in construction may mean that the valuation ought to be lower than it otherwise would be. Fully detailed suggestions are made for different types of dwellings, such as ordinary houses, flats, and bungalows. The valuation of hotels is dealt with, as also that of other licensed premises and shops, with tabular statements according to zoning methods adopted by different valuers. There is an adequate explanation of the accountancy method and the contractor's method, with interesting examples drawn from actual instances which have been before the courts, such as that of Chessington Zoo. A good deal of the book will undoubtedly have a

greater appeal for members of Mr. Booth's profession than for our legal readers, but lawyers and local government officials who have to do with rating, or may become involved in valuation cases before the Lands Tribunal or elsewhere, must have a working knowledge of the rating surveyor's mysteries ; to them therefore as well as to surveyors and valuers the book can be commended.

The Law Relating to the Formation and Annulment of Marriage and Allied Matters. By Joseph Jackson. London : Sweet and Maxwell, Ltd. Price £2 2s. net.

In a foreword commending Mr. Jackson's book, Lord Justice Hodson expresses his admiration for anyone brave enough to tackle this subject. In his own professional career, says the Lord Justice, he had to grope in the dark forest of the law of nullity, and decided cases had been described as " chaotic and inconsistent."

Mr. Jackson deals with a baffling and complicated subject in a scholarly manner. In order to understand the present law it is necessary to study the history of the institution of marriage and to provide a general historical background. This task the learned author has accomplished faithfully, tracing the law from early times, through the pre-Reformation and post-Reformation periods of the ecclesiastical jurisdiction down to the creation of the civil jurisdiction in 1857 and thence to the present day. Where there is a conflict of law it is pointed out, and the effect of various decisions is discussed so as to elucidate many a puzzling problem. The author finds that " there are as yet more theories than established rules," but he adds, " a considerable body of law establishing and affirming basic principles has come into existence." He quotes Professor Gutteridge's words describing conflict of laws as enveloped in a cloud of abstract theories, some of them of great intricacy and difficulty, which flourish in the atmosphere of the lecture room, but create serious embarrassment to judges and practitioners."

Many people must have wondered why wilful refusal to consumate a marriage should have been made a ground for nullity seeing that it arises after the marriage and might appear to be a perfectly good ground for a divorce. Mr. Jackson deals with this, in observations which Lord Justice Hodson in his foreword describes as " useful comments on the added difficulties with which the courts are now faced in considering questions of jurisdiction in suits based on this ground."

The work is erudite and will be of value to both academic and practising lawyers who are specially interested in this most difficult subject.

MISCELLANEOUS INFORMATION

LAW SOCIETY FINAL EXAMINATIONS, NOVEMBER, 1951

[*We are indebted to the Law Society for permission to reproduce the Local Government Law and Practice, and the Law and Practice of Magistrates' Courts, Final Papers, set in the Examination, held on Wednesday, November 7 (2.30 p.m. to 5.30 p.m.).—Ed., J.P. and L.G.R.*]

VI.—(B). LOCAL GOVERNMENT LAW AND PRACTICE

61. State briefly the provisions of the National Assistance Act, 1948, as to Government grants payable to a local authority in respect of residential accommodation provided by the local authority under Part III of that statute. You need not refer to Exchequer Equalization Grant.

62. " The Local Government Act, 1933, provides for the obligatory establishment of parish councils in some cases, but in other cases a discretionary power can be exercised." Explain this statement, indicating by what person or body, and within what limits, the discretion is exercised.

63. As Town Clerk of a county borough you are asked to advise on a proposal that copies of the minutes of committees, which are intended to be submitted to the council, should be supplied to the local newspaper, and should be made available to the public in the Borough Library a few days before each meeting of the county borough council. What advice would you give ?

64. State briefly the obligations imposed by the Local Government Act, 1933 (as amended by the Local Government Act, 1948), on a member of a local authority who has a pecuniary interest in a contract proposed to be entered into by the local authority.

65. A county council purchased in 1950 a piece of agricultural land as a site for a county school. The county council has now contracted with a builder for the erection of the school, and the building contract provides (*inter alia*) that immediately on obtaining of the building site, the builder shall erect thereon suitable temporary offices and stores for the use of the builder during the building of the school. The time allowed for completion of the contract is ninety weeks, and the builder is required to remove the temporary buildings on completion of the contract. Consider whether the temporary buildings should be assessed for rating purposes, and whether the rating authority is entitled to demand payment of rates thereon.

66. Writing on the judicial control of the exercise of discretionary powers by local authorities, *Hart* says (p. 386), " There is a marked difference between an appeal in the full sense of that word and the scope of the judicial control over the exercise of discretionary powers which is available in the absence of a statutory right of appeal." Discuss this statement with particular reference to cases where the document whereby a discretionary power is exercised sets out the reasons for the decision reached by the local authority.

67. Outline briefly the procedure laid down by the Police Act, 1946, for the compulsory amalgamation of two or more police forces. Is there any statutory limitation on the power of compulsory amalgamation ? Do not refer in your answer to the City of London Police or to the Metropolitan Police District.

68. The Town and Country Planning Act, 1947, s. 49, contains powers of stopping up or diverting a highway. By whom may these powers be exercised and in what circumstances ? How does the statute safeguard the public and private interests involved ?

69. In 1946 Jones, who then owned and resided in a freehold house in the non-county borough of Mudbury in the administrative county of Loamshire, was elected an alderman of the Loamshire County Council. Jones continued to reside in the same house at Mudbury until June, 1951, when he commenced to reside in the county borough of Easthampton, and let his house at Mudbury to a tenant from year to year. The tenant resides in the house which is assessed for rating purposes at £50 gross. Easthampton is contiguous to the administrative county of Loamshire. On the facts given, and assuming no change in circumstances before the relevant dates, will Jones be qualified :

(*i*) to appear as a local government elector in the Electors' Register for Loamshire, to be published in 1952 ; (*ii*) to be re-elected as a county alderman for Loamshire at the ordinary election of county aldermen in 1952 ? Give reason for your answers.

70. Why is the power of sanctioning the raising of loans by local authorities vested in the Minister of Local Government and Planning although the purpose for which the money is to be borrowed may not be the direct concern of that Minister ?

71. In view of the high cost of the ambulance service provided by a local health authority under s. 27 of the National Health Act, 1946, the authority has discontinued the service. What statutory action can be taken to secure the restoration of the service, and who can take such action ?

72. What action can be taken by the sanitary inspector appointed by a borough council if he sees in a baker's shop in the borough a number of loaves of mouldy bread ? If any question arises as to the reason for which the bread was in the shop, or as to the purpose for which bread was intended to be used, on whom does the onus of proof rest ?

VI.—(C). THE LAW AND PRACTICE OF MAGISTRATES' COURTS, INCLUDING INDICTABLE AND SUMMARY OFFENCES, MATRIMONIAL JURISDICTION, BASTARDY, JUVENILE COURTS, TREATMENT OF OFFENDERS, CIVIL JURISDICTION, COLLECTING OFFICERS' DUTIES, THE ISSUE OF PROCESS, EVIDENCE IN CRIMINAL CASES, AND LICENSING

61. A appears before your justices charged by the police with driving a motor car while under the influence of drink. Advise the justices regarding the sequence of the procedure to be adopted in order to determine whether the charge is to be tried summarily.

62. The police allege that obscene books are being sold at a certain shop. What procedure may they adopt to have these seized and destroyed ?

63. Mrs. McTavish informs you that she married a domiciled Scotsman in Edinburgh, and that they lived together in various places in England and Scotland. She is now resident in Birmingham and her husband in Glasgow. She wishes to obtain a maintenance order against him on the grounds of desertion. What inquiry would you make of her before advising whether she may take proceedings in Birmingham ? She further states that a child of the marriage aged ten years resides with her husband. May she obtain an order in Birmingham under the Guardianship of Infants Acts, 1886 and 1925 in respect of this child ?

64. On an application for a bastardy order, the complainant called witnesses who gave evidence that the complainant and the defendant frequently visited cinemas, licensed premises and dances together between January and December, 1950, and were on affectionate terms during that period. The complainant gave birth to a child on May 14, 1951. The defendant's solicitor submits that the evidence is not corroboration sufficient to satisfy the Bastardy Laws Amendment Act, 1872, s. 4. How would you advise the justices ?

65. You are instructed by the National Society for the Prevention of Cruelty to Children to prosecute parents for neglecting their child aged four years. The Inspector fears that the health of the child may suffer if she remains in the defendants' custody pending the hearing of the proceedings. Advise him what action he may take.

66. X is charged with wilfully damaging a street lamp. The amount of the damage is £1 10*s.* 0*d.* On his appearing before the justices, the prosecutor states that X appears to be of unsound mind. Advise the justices upon the procedure to be adopted.

67. Mr. and Mrs. Y apply for an adoption order in respect of the illegitimate infant of their daughter Gladys. Gladys is twenty years of age and has cared for her child since birth. She has signed a form of consent to the adoption. Subsequently she seeks to withdraw her consent and opposes the application. May the justices grant the adoption order ?

68. In 1950, the justices of X made an order under the Guardianship of Infants Acts, 1886 and 1925, against a father who was then resident at Y. Payments under the order are now in arrear, and the mother wishes to enforce the order. May she do so ?

69. A, the sampling officer of a local authority purchases a quantity of milk from B, a dairyman. This milk has been supplied to B by C, a farmer. A issues a summons in your court against C. This alleges that C sold to A for human consumption a quantity of milk to which water had been added contrary to s. 24 of the Food and Drugs Act, 1938. On the hearing, A states that the local authority is satisfied that the offence was due to the act of C and that B could establish a defence on those grounds to any proceedings that might be taken against him. Advise the justices whether the summons can succeed.

70. A has been committed for trial on a charge of house-breaking. At the time of his committal, he made the statement that he wished to plead guilty. On the following day, B is charged with receiving certain of the property stolen by A and it is proposed to commit B for trial. Before the committing justice the prosecution proffer A as a witness against B. Is his evidence admissible ?

71. The Cottage Tavern is a fully licensed house. The public accommodation consists of a bar and sitting room. The licensee proposes to alter the premises by converting the two rooms into one, and closing one entrance from the street. Advise him regarding this proposal and as to the necessity of obtaining the approval of the licensing justices.

72. A company director fraudulently applies for his own use certain money belonging to the company.

(*a*) In what circumstances may he be tried summarily for this offence ?

(*b*) If he is so tried to what penalties is he liable ?

(*c*) If the justices, after conviction, deemed these penalties inadequate how would you advise them ?

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

CRUELTY TO CHILDREN

In reply to questions from all parts of the House, the Secretary of State for the Home Department, Sir David Maxwell Fyfe, said that although the public conscience had been shocked by reports of certain serious cases, there was no evidence that there had been any marked increase of offences of ill-treatment or neglect of children, or that the maximum penalties provided were inadequate. Most offenders were dealt with in magistrates' courts, who could impose a sentence of up to six months' imprisonment.

But on conviction on indictment an offender might be sentenced to up to two years' imprisonment ; and it was for those responsible for instituting prosecutions to consider whether they should, instead of applying to the magistrates' court for summary trial, invite the justices to consider the question of committing for trial. It was also for the prosecuting authority to consider in cases where injuries were deliberately inflicted whether a charge should not be brought under the Offences against the Person Act, 1861, which provided even more severe penalties.

He did not think that there was occasion for a committee of inquiry or for amendment of the law.

DRIVING UNDER THE INFLUENCE

Rev. L. Williams (Abertillery) asked the Secretary of State for the Home Department what steps he was taking to deal more drastically with persons convicted of driving vehicles under the influence of drink.

Sir D. Maxwell Fyfe replied that he had no powers in that matter. It was entirely for the courts, on the evidence of all the circumstances, to assess what was the appropriate penalty in any particular case, and it would not be proper for him to offer them guidance in the matter. The maximum penalties prescribed by law were heavy, and the courts had an ample reserve of power to deal with the most serious cases. The Lord Chief Justice, in a recent case before the Divisional Court, took the opportunity of calling the attention of magistrates to the fact that driving under the influence of drink was one of the worst offences which it was possible to commit and Sir David had no doubt that courts would pay proper attention to that advice.

REMAND AND DETENTION CENTRES

Mr. H. Hynd (Accrington) asked the Secretary of State for the Home Department when the remand and detention centres envisaged by the Criminal Justice Act, 1948, would be provided.

Sir David replied that, owing to the restrictions on capital investment it was not possible to provide new buildings in the immediate future for the purpose of remand and detention centres. Remand centres required new buildings, and in present circumstances no progress with them could be made. The Prison Commissioners were, however, proposing to set up one or two experimental detention centres in adapted premises and it was hoped that the first might be ready for occupation next spring.

APPROVED SCHOOLS FOR EPILEPTIC CHILDREN

Mr. B. Janner (Leicester, North-West) asked the Secretary of State for the Home Department whether he was aware that there were at present no approved schools for epileptic children and that disposal in such cases by the juvenile courts therefore difficult. Would he take steps to make accommodation available for delinquent epileptic children.

In reply, Sir David said that approved schools dealt with a number of children and young persons suffering from minor epilepsy, but the schools were not designed to give the specialist and long-term medical treatment required by the few persons suffering from major epilepsy who were sent to approved schools. He was in consultation with the Minister of Health and the Minister of Education about the question of the appropriate provision to be made for those cases.

LAW OF INTESTACY

Mr. Iain MacLeod (Enfield West) asked the Attorney-General whether it was proposed to accept the recommendations of the Committee into the Law of Intestacy.

The Attorney-General replied that the Lord Chancellor had that question under consideration.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF COMMONS

Tuesday, November 13

JUDICIAL OFFICES (SALARIES, ETC.) BILL, read 1a.

Thursday, November 15

EXPIRING LAWS CONTINUANCE BILL, read 3a.

BORDER RIVERS (PREVENTION OF POLLUTION) BILL, read 2a.

Friday November 16

PNEUMOCONIOSIS AND BYSSINOSIS BILL, read 2a.

NOTICES

The next court of quarter sessions for the borough of Abingdon will be held in the Guildhall on Thursday, December 6, 1951, at 11.30 *a.m.*

The next court of quarter sessions for the borough of Shrewsbury will be held at the Shirehall, Shrewsbury, on Tuesday, December 11, 1951, at 11 *a.m.*

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 78.

LADIES ONLY

Mrs. A appeared at Kingston Magistrates' Court early this month charged with stealing a pair of stockings valued 7*s.* 6*d.* from a multiple store at Kingston.

Mrs. B who prosecuted stated that Mrs. C, a store detective, followed defendant out of the store and during a struggle Mrs. C had her hand bitten and scratched and had to have treatment at Kingston hospital. Defendant, who was stated to have a good character and to be the wife of a lorry driver, said she took the stockings because she was very poor.

The Chairman, Mrs. D, asked defendant if she wished to say anything about fighting Mrs. C, and defendant replied: "I took a strong dislike to the woman. I think she did it very cunningly. She caught me by the scruff of the neck and took me along the street. I thought she was going to choke me."

Mrs. B stated that Mrs. C had to hold Mrs. A by the back of the neck to prevent herself being bitten and scratched again.

Defendant, who asked for the theft of a vest from another store to be taken into consideration, was fined £5 and ordered to pay £2 2*s.* costs. R.L.H.

No. 79.

A BOOTMAKER WORE A CORSET

A sixty-eight year old retired bootmaker appeared at Dover Magistrates' Court recently charged with knowingly being concerned in a fraudulent attempt at the evasion of Customs duties on 390 gold watches contrary to s. 186 of the Customs Consolidation Act, 1876, as amended by s. 15 of the Finance Act, 1935, and s. 12 of the Finance Act, 1943.

For the prosecution, it was stated that defendant was a passenger on a cross-channel vessel and on landing at Dover, he declared to the Customs a bottle of Benedictine and some plums. The Customs officer noticed that defendant's passport showed four previous visits to Paris and he was searched. The watches were found in pockets sewn on to a corset, which defendant was wearing beneath his shirt.

In a statement he had made, defendant, who pleaded guilty, said that he met a man and woman in Paris and the man gave him the corset to wear back to England. He was to be met in London by a man named Max or Marx at Victoria Station, and was to give him the corset. He suspected that the corset contained some articles but he did not know what they actually were.

Defendant was fined £6,500 and given three months to pay and in the alternative was ordered to serve twelve months' imprisonment. The watches, valued at £22 10*s.* each, were confiscated by the Customs.

COMMENT

It is encouraging to think that in this case the defendant, or whoever was behind him, has suffered a really severe loss in the confiscation of nearly 400 watches each valued at over £20. This type of offence is rife in the country at the present time and offenders can expect no consideration whatever to be shown to them. They commit the offences with their eyes open, lured on by greed and the prospect of making easy money, and, if successful, their gain is always made at the expense of their fellow citizens.

(The writer is indebted to Mr. George H. Youden, clerk to the Dover Justices for information in regard to this case.) R.L.H.

No. 80.

A FAILURE TO PURCHASE NATIONAL INSURANCE STAMPS

An employer appeared at West Penwith, Cornwall, Magistrates' Court on September 19 last, to answer two charges each laid under s. 2 (6) of the National Insurance Act, 1946.

The first summons alleged that he had failed to pay on a certain date in 1951 a contribution he was liable to pay in respect of one of his employees. The second summons alleged that he had failed to pay a contribution in a week in 1951 which he was liable to pay as a self employed person.

With the summons for the first charge there was served a notice under reg. 19 of the National Insurance (Contributions) Regulations, 1948, that in the event of conviction it was intended to give evidence of his failure to pay other contributions under the Act in respect of the said employee mentioned in the charge and other persons employed by him as stated in the Notice, the total amount of such contributions being £346.

A similar notice was served with the summons for the second charge and the amount of the contributions was £32.

For the prosecution it was stated that to save expense only the two summonses referred to above had been brought although there were similar offences committed by the defendant in respect of all his nine workmen.

The defendant had been interviewed by a woman inspector from the Ministry, was warned of the offences he had committed and given fresh cards when he said he had lost the others. Defendant promised to pay off the arrears, but when this was not done he was again seen, and it was found that the new cards had not been stamped. These cards were thereupon confiscated and further fresh cards were issued and proceedings instituted. Since that date defendant had paid £10 off the arrears.

The prosecutor stated that the sum mentioned in the Notice was only that pertaining to the past two years whereas the non-payment of contributions had actually extended over two years and nine months. Steps would be taken to recover the remaining contributions in the county court. Defendant had deducted his employees' share of the cost of the stamps from their wages and had prejudiced their rights to benefits and pensions. The prosecutor stated, in answer to a question from the chairman, that as soon as the money was paid the employees would be reinstated although the defendant himself would have to wait a further six weeks after his arrears had been paid before being reinstated.

The defendant, who pleaded guilty, was fined £10 on each of the two charges and an order was made for the payment of arrears totalling £378. Defendant was allowed one month in which to pay the amount due.

COMMENT

It will be noted that the magistrates imposed on the defendant the maximum fine permissible under s. 2 (6) of the Act of 1946.

Section 53 of the Act provides that proceedings for an offence under the Act are not to be instituted except by or with the consent of the Minister or by an inspector or other officer authorized in that behalf by the Minister and subs. 2 of the section gives power to such inspector or other officer, although not of counsel or a solicitor, to conduct proceedings before a Court of Summary Jurisdiction. The prosecution in the case reported above was, in fact, conducted by the regional officer of the Ministry.

Regulation 19 (3) of the National Insurance (Contributions) Regulations, 1948, provides that if prior notice of intention to do so has been served with the summons or warrant, evidence may be given in the case of an employer of the failure on his part to pay other contributions during the two years preceding the date of the offence and in the event of conviction a defendant may be required to pay a sum equal to the total of all contributions under the Act which he is proved to have failed to have paid.

Subsection 8 of reg. 19 provides that nothing in the regulation is to be construed as preventing the Minister from recovering any sums due to the National Insurance Fund by means of civil proceedings.

(The writer is indebted to Mr. P. J. Chellew, clerk to the West Penwith Justices, for information in regard to this case.) R.L.H.

PENALTIES

Wiltshire Assizes—October, 1951—wounding with intent to do grievous bodily harm—five years' imprisonment. Defendant, a thirty-eight year old Jamaican R.A.F. Corporal, lost his temper with his thirteen year old step-daughter when she refused to behave indecently with him. Defendant pushed the girl on the ground and inflicted nineteen stab wounds with a pen knife; none of them were serious but they necessitated fifty-eight stitches.

Wrexham—October, 1951—selling food unfit for human consumption (two defendants)—each fined £10. A loaf, sold by two brothers carrying on a business as bakers and confectioners, was found when cut at a dining table to contain a dead mouse.

West Riding Quarter Sessions—October, 1951—warehouse breaking and stealing three oranges, two tomatoes and fifteen apples value 6*s.* 2*d.*—six months' imprisonment. Defendant, a police constable with fourteen and a half years' service, who had been frequently commended for his service and good conduct.

Loughborough Juvenile Court—October, 1951—(1) causing a stone to fall against the engine of a train, (2) committing malicious damage to the extent of £3—discharged conditionally on payment of the damage and 18*s.* costs. Defendant, a fifteen year old boy, stood on a railway bridge and pushed gravel from it hoping that the stones would go down the funnel of the engine. A window in the cab of an express train travelling at 50 *m.p.h.* was splintered and the engine had to be changed.

CORRESPONDENCE

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

APPROPRIATION OF PAYMENTS MADE TO COLLECTING OFFICE

Until a few months ago I, together with other of your recent correspondents, shared the difficulty experienced in trying to give the desired effect to the decision of a court of summary jurisdiction which had made a committal order against a person in arrear with payments under a maintenance or affiliation order but which court had suspended the issue of a warrant for so long as regular payments of the current weekly maintenance were made together with a fixed amount on account of the arrears.

Your correspondents asked to know the legal position as to the appropriation of payments made to the collecting officer after the making of such an order and you expressed the opinion that, unless a special direction is given by the sender, a collecting officer is bound to appropriate the whole of such payment to that part of the total amount due which was first accrued, namely, the arrears, and these are, therefore, quickly wiped out, whilst the current maintenance as rapidly falls into arrear once again, thus having the effect, in practice, of making a committal order more or less worthless.

In an effort to make these " suspended " committal orders effective, I have prepared a form (a copy of which I enclose herewith) which, I venture to suggest, gets over the above-mentioned difficulty. When a " suspended " committal order is made by my justices, the form is completed and then signed by the defendant who is given a carbon copy. The collecting officer has the original for future use, should it be necessary.

I may mention that after my justices have dealt with complaints sent by other courts for the purpose of enforcing arrears pursuant to Para. 5, sch. II, Emergency Laws (Miscellaneous Provisions) Act, 1947, these completed and signed forms have been sent to the clerks to the courts which made the orders and, so far as I know, have met the need for which they were drawn.

Yours faithfully,
GILBERT H. F. MUMFORD,
Clerk to the Justices.

Justices' Clerk's Office,
14 Upper George Street,
Luton.

[The enclosure to Mr. Mumford's letter is as follows :

BOROUGH OF LUTON

At the Magistrates' Court sitting in and for the said Borough
This day of 195 .
In pursuance of Court proceedings taken against me this day by
.....
the Collecting Officer of the Court for the (above) Borough (of)
the following sum(s) (was) (were) found to be due from me :

	£	s.	d.
Arrears of Maintenance			
Costs			
Court Fees			

A committal order was made committing me to prison for
and suspended so long as I pay a week off the arrears together with the current maintenance. I therefore direct that, out of the moneys I send to the Collecting Officer in future, firstly the current maintenance shall be maintained before any sums are taken off these arrears.

Signature.....

Ed., J.P. and L.G.R.]

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

PERMITTED SELLING PRICE AS LOCAL LAND CHARGES

I was interested in the article on this subject on p. 681. I find it difficult, however, to understand why the clerk of the local authority concerned, having effected a late registration of the licence, subsequently removed the entry from the register when he received a complaint from the original purchaser's solicitors. It would appear to me that more harm was done and difficulties caused by the removal of the entry than its late registration. Had the entry been left on the register, the only person who could be prejudiced was the original purchaser, but in fact he would have suffered no actual loss. He had bought a price-controlled house at less than the controlled price and he would be debarred from selling at more than the controlled price. He would not, however, have been out of pocket on the transaction. All he would have lost was the prospects of making a profit, which Parliament clearly intended that he should not make. Accordingly, I cannot think that he would have any cause for complaint, nor for that matter do I consider that he would have had an enforceable claim against the registrar for his initial failure to register the licence.

I do not think anyone will be prepared to believe that when he bought the house for £1,200 in the first instance, he was not aware that it had been built under a licence and was accordingly subject to a controlled price. It seems wrong therefore that he should be permitted to obtain an advantage merely because an officer failed to register the licence.

Accordingly, as mentioned above, the real cause of the trouble in this case, was not so much the failure to register in the first instance, as the subsequent cancellation of the entry.

Yours faithfully,
W. MAURICE MELL.
Clerk of the Council.

The Council House,
Solihull.

[We express no opinion on the merits of the purchaser's position, but share our correspondent's inability to see why the registrar consented to cancel or " withdraw " the entry.

Ed., J.P. and L.G.R.]

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

" THE LAST SMALL SESSIONS "

My attention has been drawn to your article at 115 J.P. 694, comparing the merits of retaining certain small quarter sessions. While regretting the loss of sessions at Berwick-on-Tweed and more particularly Richmond, Yorks, it is suggested that the case for the retention of Andover was certainly no less demanding, as was recognized by the Lord Chancellor. Andover is in the centre of an area densely populated by Service personnel, and although Winchester is only some fourteen miles distant, there is no convenient railway connexion. Furthermore, Andover is situate at a railway junction, easily accessible from London, Southampton, Bournemouth, Salisbury and Swindon, and its convenience is distinctly reflected in the extent of each quarter's list.

It is hoped, therefore, that this letter will be published as an indication to your readers that the retention of Andover Quarter Sessions was not merely the result of happy (to Andover) caprice on the part of the Lord Chancellor.

Yours faithfully,
J. F. GARNER.
Town Clerk.

Municipal Offices,
Beech Hurst,
Andover.

PERSONALIA

APPOINTMENTS

Middlesex Combined Probation Area have appointed the following probation officers : Miss E. M. Joynson, formerly probation officer at Salford ; Mr. J. E. Fraser, formerly government probation officer in British Guiana ; Mr. P. Thompson, formerly probation officer at Stamford House juvenile court ; Mr. N. E. W. King, formerly probation officer, Darlington borough and petty sessional division. Mr. J. H. Ward and Mrs. V. Garden have resigned.

Miss B. M. Brock, assistant children's officer at Oxford since 1949, has been appointed children's officer to the Soke of Peterborough county council.

Mr. Charles Erskine Woollard Simes, K.C., is resigning from his position as Recorder for Banbury which he has held since 1938. He has become a member of the Lands Tribunal.

PENSIONS FOR PACHYDERMS

Political commentators and moral philosophers have for some time past been shaking their heads over the possible impact of the Welfare State upon the mentality of the people. Misgivings have been expressed on the expected destruction of initiative and of the spirit of independence that may result from a system under which some members of the community may look for rewards without responsibilities. What does not appear to have been foreseen is the repercussion of the National Insurance Acts upon the animal population, one section of which has already taken a stand upon its assumed rights in the matter of economic security.

In August of this year an advertisement appeared in the Personal Column of *The Times* reading as follows :

" Elephant for sale ; Indian cow ; aged about 20."

The interest aroused by this unusual offer led to an explanation from the advertiser, the proprietor of a private zoo, to the effect that Margaret, the animal in question, was consuming one hundredweight of hay *per diem*, and that this diet, monotonous as it might seem to some people, was costing from £12 to £14 a ton. It seems that she was not earning her keep, and the owner was selling her " to make room for younger stock, which " (remarked *The Times*) " seems a little hard at twenty." The laconic headline to the paragraph—" Too old at twenty "—has had unfortunate consequences.

What arrangement was eventually made for Margaret's superannuation has not been disclosed, but the comment in *The Times* seems to have put dangerous ideas into other heads than hers. Whether our leading national newspaper enjoys an extensive circulation in elephantine circles we have not been able to discover, but the news item quoted above must unquestionably have formed the subject of gossip among the older generation of pachyderms, and the youngsters have evidently kept their ears wide open to the possible implications. The retentive memory of the species is proverbial, and the sequel shows the danger of allowing advanced ideas to penetrate immature minds, and provides a lamentable example of the alleged tendency of the rising generation to expect something for nothing. One *enfant terrible* who flapped her large ears and brooded silently over the conversation of her elders was Baby, a five-year old performer in a circus now appearing at the New Cross Empire in south-east London. The provisions of the Children and Young Persons Acts controlling the employment of youngsters in public entertainments have not yet been extended to elephants even of this tender age, and this particular leading juvenile has evidently been building up a feeling of resentment for some time past since, according to the Manager of the New Cross Empire, " she has been a bit troublesome for a few days." Be that as it may, she undoubtedly came to the conclusion that a social system which cares for every member of the community from the cradle to the grave ought not to leave her out in the cold ; if, we can hear her reflecting, there are lucky ones who are " too old at twenty," why not extend the slogan to " too tired at five " ?

On a Thursday afternoon ten days ago the staff at the New Cross Post Office were busy with their tasks at the counter where, *inter alia*, a large queue of old-age pensioners were patiently awaiting their turn. Pension cards were being scrutinized, counterfoils stamped and money passed over the counter in the usual impersonal and orderly atmosphere. Into this harmonious concert of official activity intruded a strangely discordant note. Heralded by a shrill trumpeting sound, the tramp of heavy footsteps was heard approaching the building, and anxious glances were directed at the door ; surely these unusual noises in the sacred precincts of British officialdom were due to no human agency ? Then the trumpeting was repeated ; the doors swung violently open, and through them stalked the incongruous figure of a young female elephant. Baby had thought things out and decided that the time was ripe for action.

This unexpected apparition ruffled for once the usually imperturbable equanimity of the postal assistants and the disciplined docility of their customers. None of the latter showed the least hesitation in yielding, to the newcomer, his or her hard-won priority in the queue, which " dissolved like magic, into telephone-boxes and on to and over the counter." The officials themselves were too startled even to give Baby the usual curt direction to apply " at the other end of the counter, please." Operations were suspended; stamping gave way to stampede.

In fairness to Baby it is proper to record that, once in the post office, she behaved with exemplary decorum, in the best tradition of public conduct under the official eye. She showed no vicious inclination to violence or larceny ; she made no attempt to overturn the counter, to tear out the telephone apparatus by the roots, or to thrust her trunk over the top of the grille to snatch a bundle of bank-notes or money-orders, nor even a book of stamps. " We did not lose a stamp, and there was no damage," said one assistant, in an unsolicited testimonial. It is to be regretted that, after a cursory glance to make sure that she was not trying to " gate-crash " the queue, the post office staff did not proceed with business as usual ; and if the line of waiting customers had only stood firm to observe developments, it is quite likely that she would have taken her place quietly at the end of the queue by the window marked " inquiries " and there, in due time, with deprecating self-effacement in the presence of official authority, formulated the question that had been agitating her mind : to what extent, and at what minimum age, did the pensions provisions of the National Insurance Acts apply to her case ?

Unfortunately her unspoken inquiry remains unanswered, and yet another pioneer of progress is frustrated and suppressed. " A keeper came," says the postal official, " and she went with him quite peacefully." Is there any sadder picture in the long and eventful story of the Post Office than this—the bashful young creature, with trunk interrogatively raised, rudely ignored and led off, with downcast eyes and drooping tail, her commendable thirst for knowledge left unslaked ? Heaven alone knows what dangerous complex may result from the tangle of conflicting emotions which such treatment has aroused in her innermost psyche ! Let us hope at least that those who guard her in captivity will answer her questions with sympathy and understanding, and allow her to supplement their unofficial replies either by an interview at the local branch of the Ministry, or by a perusal and study of the Act and the Regulations made thereunder.

A.L.P

NEW COMMISSIONS

ST. IVES BOROUGH

William John Andrews, 3/4 Tregenna Hill, St. Ives.
Miss Marjorie Hugh de Burgh Ballance, Pelican Hill, St. Ives.
Gerald Jenkyn Cock, Bryn-y-Mor, Cartew, St. Ives.
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PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Contract—*War period excluded—Stipulation for armistice—Termination of war without armistice.*

In 1938 this council entered into agreements under seal with two local gas companies for carrying out and maintaining public lighting by gas within certain parts of the urban district. Both agreements began on August 8, 1937, and were to continue until December 31, 1946, and thereafter to be determinable by either party on six months' previous notice in writing.

In February, 1940, there was endorsed on each agreement the following :

" By reason of restrictions imposed by H.M. Government following the outbreak of the present war (which commenced on September 3, 1939) the parties hereto have been unable to perform the terms and conditions of the within written agreement. Now therefore it is agreed as follows :

1. That the period of the present war shall be excluded in reckoning terms granted by the within written agreement expiring on December 31, 1946.

2. That the parties hereto shall be mutually absolved from their obligations under the said agreement during the period of the present war provided that on the cessation of hostilities declared and arranged by an armistice between the belligerent powers the terms and conditions of the agreement shall forthwith resume and be of full force and effect."

One of the endorsements was over the common seals of the gas company and the council and the other was executed on behalf of the gas company by their secretary and manager and on behalf of the council by their clerk.

The area gas board in whom the rights, liabilities and obligations of the two gas companies have now been vested by virtue of the Gas Act, 1948, have informed the council that according to their records both agreements will expire on September 8, 1952, and that it will be necessary to negotiate new terms thereafter.

I am unable to decide what is the correct legal interpretation of the endorsements on the agreement nor can I find the reports of any cases based on similar circumstances. It would appear, however, that until an armistice is arranged between all the powers who were at war at the date of the endorsement, namely, in February, 1940, it is impossible to ascertain the length of time during which the agreements are in abeyance.

I shall be greatly obliged if you can advise me as to the present legal position under the agreements. ALE.

Answer.

The war which began on September 3, 1939, and was being waged in February, 1940, was the war with the German Reich as then existing. The wars with Italy and Japan, and various minor enemies, had not begun. The " formal state of war with Germany " was terminated at 4 *p.m.* on Monday, July 9, 1951, by a notification from the Privy Council Office, published in the *London Gazette*. It never passed through the stage of an armistice, contemplated by the endorsements quoted in the query, so that the condition upon which those endorsements are hinged cannot be strictly fulfilled. Moreover, the Secretary of State for Home Affairs has since officially informed correspondents that His Majesty is no longer at war with any part of Germany.

Should the matter come into court, we think the court would strive to construe these endorsed contracts as if they had referred to termination of the war by whatever means. But we are bound to admit that this would involve violence to the language of the endorsements : something might depend upon the form in which a case came into court. We cannot follow the calculation of dates by the area gas board, as given in the query : September 8, 1952, does not seem to be related to any of the other factors.

It seems to us that whatever the status of the old agreements, everything is now so much changed since 1938, 1940, or even 1946 (the original terminal date) that a new agreement should be settled.

2.—Housing Act, 1936—*Public street laid by rural district council—Acceptance by county council.*

(1) Can a county council legally refuse to take over on completion " public streets " constructed by a housing authority under the powers of s. 79 (1) (*a*) of the Housing Act, 1936 (to the county council's own specification) on the grounds that the housing estate streets have no direct connexion with a county road ?

(2) If the answer to (1) is in the negative, and the county council refuse to accept responsibility for these " public streets "—(*a*) must the housing authority have recourse to s. 23 of the Highway Act, 1835, and (*b*) are there any other measures which could be taken to require the highway authority to meet their obligations in the matter ?

A. Ccc.

Answer.

(1) We do not consider the ground alleged a good one : there is no evident connexion between repair by the inhabitants at large and being connected with a county road.

(2) Section 23 of the Act of 1835 is one method. It has also been suggested that *mandamus* would lie to enforce the declaring of the street to be a highway repairable by virtue of s. 20 of the Private Street Works Act, 1892. We do not find any reported case where this has been done.

3.—Husband and Wife—*Maintenance order—Parties continue to live in same house for seven months—Payments thereafter made under order and order varied on application of husband—Summons for arrears—Husband contends order is of no effect—Whether husband estopped.*

I shall be glad of your opinion in regard to the following :

A separation order was made in 1943 on the grounds of persistent cruelty. In 1948 the husband applied for and was granted a reduction in the order and part of the arrears then owing was remitted. Further arrears are now due and the wife has instituted proceedings for their enforcement.

The husband now denies liability and it is admitted by both parties that at the time the original order was made the husband and wife were living in the same house sharing the downstairs accommodation but sleeping in different bedrooms ; they also shared the rent. This state of affairs is admitted to have continued for seven months after the original order was made. The husband now contends that this amounts to " residing with " his wife for more than three months and that accordingly the order ceased to have effect under the terms of s. 1 (4) of the Summary Jurisdiction (Separation and Maintenance) Act, 1925, and he relies on the decision in the case of *Evans* v. *Evans* [1947] 2 All E.R. 656. On behalf of the wife it is contended that the husband is estopped from relying on the period of residence by the varying order made in 1948 under the terms of which the amount of maintenance was reduced but otherwise the original order was stated to remain in force. Reference was made to 13 *Halsbury* 486 in support of this argument. It is submitted that by failing to act at the time of the alleged residence the husband has now prejudiced the wife's position in as much as she cannot now obtain another order on the acts of cruelty originally alleged, owing to lapse of time.

It is also argued that the husband cannot both approbate and reprobate ; it is said that he has taken advantage of the original order to obtain a variation and reduction and that in these circumstances he cannot now be heard to deny the existence of the order. Paragraph 512 at 13 *Halsbury* 454 was cited in this connexion.

For the husband it is further argued that the varying order cannot be relied upon as a new order over-riding anything which may have happened before it was made. It is considered that the varying order was a nullity in as much as there was no original order in force which could be varied. It is further argued on the facts that the period of seven months during which the parties were living under the same roof certainly amounted to " residing with " each other, as the facts are stronger than those in *Evans* v. *Evans*, *supra*.

Your opinion is sought in regard to the following questions :

(1) Do you consider that the parties have resided with each other for three months or more and that the original order has thereby ceased to have effect ?

(2) Assuming that the answer to (1) is in the affirmative, does that fact operate to nullify any action in regard to the order which may have been taken subsequently, including not only the varying order but all the payments made ?

(3) What is the position regarding the weekly amounts already paid ?

(4) Does the fact that the husband accepted the validity of the order to the extent that he applied for a variation and obtained a remission of the arrears amount to (*a*) an estoppel or (*b*) an approbation and reprobation on his part ?

(5) Is it considered that the arrears now owing can on any ground be enforced ?

In addition to the case of *Evans* v. *Evans*, reference was made to *R.* v. *Swindon JJ.* (1878) 42 J.P. 407; *Wheatley* v. *Wheatley* [1949] 2 All E.R. 428; *Thomas* v. *Thomas* [1948] 2 All E.R. 98; and *Hopes* v. *Hopes* [1948] 2 All E.R. 920.

Please cite any other authorities which may be relevant. SWCB.

Answer.

Having considered the cases cited and also *Watson* v. *Tuckwell* (1947) 63 T.L.R. 634 we think the parties must be taken to have resided together for more than three months after the order was made, and that therefore the order ceased to have effect. The fact that the husband made payments under a void order, and that he obtained a variation of it, does not, in our opinion, estop him from now asserting that the order ceased to have effect, because the point is one of the jurisdiction of an inferior court and is regulated by statute.

If we are right in so holding, then we think the position is that nothing can be done under the order and the alleged arrears are irrecoverable. The husband would not be entitled to repayment of the sums he has paid under a mistake as to the law.

Two courses may be open to the wife. She may, we think, apply to have the order revived by virtue of s. 30 (3) of the Criminal Justice Administration Act, 1914, or if her husband refuses to provide reasonable maintenance for her, apply for a fresh order on that ground.

Our answers to the specific questions put are therefore:

(1) Yes.

(2) The varied order, like the original, is of no effect. Payments made are not recoverable back, and arrears cannot be enforced.

(3) As stated above.

(4) Not so as to entitle the wife to enforce the order.

(5) No.

4.—Landlord and Tenant—*Rent Restrictions Acts—Reduction of demised premises without tenant's consent.*

The town clerk has been asked to advise a tenant of a controlled house, as to whether the landlord can act as follows:

The tenant who is a widow has lived in a controlled house for many years. The tenant is compelled to keep a lodger as part of her livelihood. The landlord, contrary to the tenant's wishes, now proposes to convert one of the bedrooms in the controlled house into a bathroom. If this conversion takes place, then the tenant, of necessity, will not be able to keep her lodger.

You are asked to advise:

(1) Whether the landlord can effect the proposed improvement without the consent of the tenant;

(2) If such conversion is legally permissible, is it necessary for the landlord, before the act of conversion to determine the tenancy, a statutory one, between himself and the tenant;

(3) If it is necessary to determine the tenancy before conversion, can the tenant apply to the county court for an order to prevent the landlord from proceeding with the conversion;

(4) If the landlord can proceed with the conversion without the consent of the tenant, is the tenant's sole remedy confined to s. 2 (1) (*a*) of the Act of 1920: *see Bates* v. *Griffiths* (1948) L.J.N. 537.

AGG.

Answer.

This query has puzzled us. We are told expressly that the tenancy is a statutory one. In other words, the tenancy properly so called, the contractual tenancy, has already been brought to an end. There can therefore be no further "determination" of the tenancy: a fresh notice to quit would have no effect whatever, and would not strengthen the landlord's position.

Whether the tenant is a contractual tenant or a statutory tenant does not, however, seem to matter here. If contractual, the landlord cannot deprive an unwilling tenant of a room included in the demise, without determining the tenancy; his notice to quit will automatically convert the tenant into a statutory tenant, holding by virtue of s. 15 (1) of the Rent Restrictions Act, 1920, on the same terms and conditions as before the notice to quit. We answer the specific questions as follows:

(1) No.

(2) See above.

(3) The tenant needs no such order.

(4) No.

5.—Public Health Act, 1936, s. 83—*Infested dwelling—Implied contract that "fit for habitation"—Service of notice on occupier.*

My council have served a notice on the owner of a cottage let at a rent of less than £26 per annum, to which s. 2 of the Housing Act, 1936, applies, requiring him to disinfest it. The owner has objected to the notice and states that the occupiers are responsible for the verminous condition, and the sanitary inspector agrees with this contention. Section 83 of the Public Health Act, 1936, under which the notice is served, gives the council the option to serve it on the owner or the occupier. The section also gives the owner an opportunity of questioning the reasonableness of the notice if it is felt that the notice should be served on the occupier. If the council carried out the work in default of the owner under s. 83 of the Public Health Act, 1936, and then proceeded to recover the cost from him and the owner contended that the notice should be served on the occupier, could the council rely on s. 2 of the Housing Act, which expressly says that the owner of premises of this kind should keep them in all respects reasonably fit for human habitation? A. JES.

Answer.

This is not quite what the last named section says: it says that it shall be a condition of the contract of tenancy, that the landlord will keep the house in all respects reasonably fit for human habitation. This is a matter of contract, and does not, of itself, preclude the service of notices on the occupier under a section which gives the council an option to serve either owner or occupier. Nor does it preclude the owner from contending, under the proviso to s. 83 (2) of the Act of 1936, that the council ought to have served the occupier instead. It does, however, greatly weaken the force of such a contention.

6.—Quarter Sessions—*Committed for trial to—Offence triable at assizes only—Duty of committing justices.*

A was charged under s. 18 of the Offences against the Person Act with causing grievous bodily harm and he was committed for trial to quarter sessions. It appears this committal was bad as quarter sessions cannot deal with the person under s. 18 and it is bound to go to the assizes.

What ought the justices to do? Can they treat the committal as a nullity and bring the man up for recommittal to the assizes, and if he does not attend for that purpose on notice, can they issue a warrant for his apprehension so that he may be recommitted?

SSS.

Answer.

In our opinion the committing justices need not take action, although no doubt they will wish their clerk to inform the clerk of the peace that they have realized their mistake.

The answer is, we think, to be found in *Archbold's Criminal Pleading*, 32nd edition, p. 98: "Courts of quarter sessions have power to transmit to the assizes for trial indictments preferred and signed in their courts which they have no jurisdiction to try, or which from the nature of the charge should more properly be tried at assizes. The power arises under the commission of the peace and is preserved by s. 5 of the Assize Relief Act, 1889."

7.—Tort—*Negligence—Cricket ground adjoining housing estate.*

Twenty years ago my council began to develop a housing estate adjoining the playing field of the local cricket club. There is a fairly high fence dividing the cricket field from the nearest council houses although, since the houses have been erected and over the course of several years, fifteen windows in the houses have been broken by cricket balls hit from matches in the cricket field, but so far no person has been injured. The cricket club has borne the cost of replacing these windows.

In view of the recent case of *Stone* v. *Bolton* [1949] 2 All E.R. 851, the officers of the club have been concerned about the adequacy of the precautions taken against possible injury to residents on the housing estate, and they have asked the council whether consideration could be given to the question of heightening the fence. The council have no objection to a mesh or net being placed above the fence, but they feel that to heighten the fence further would reduce the natural light to the houses. The fence belongs to the council and the field belongs to the club. The council have not yet replied to the cricket club's approach, as first of all they would like to know whether they (the council) have any legal liability if one of their tenants, or any other person on the estate, sustains injury as a result of being struck by a cricket ball when a match is in progress.

ATON.

Answer.

This query was perhaps raised before reports were available of *Bolton* v. *Stone* [1951] 1 All E.R. 1078, where the House of Lords reversed the decision of the Court of Appeal. The score of fifteen windows in twenty years seems low; we doubt whether any circumstances exist to differentiate your case from that decided by the House of Lords, and (whilst the council and the club will no doubt wish to take any reasonable precaution for the safety of persons and property) we do not think either is liable in law for accidental injury.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

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Appointment of Deputy Clerk of the County Council

APPLICATIONS are invited from Solicitors having the necessary experience and qualifications, for the appointment of Deputy Clerk of the County Council.

The salary will be £1,700 per annum, rising by annual increments of £100 to a maximum salary of £2,000 per annum.

Further particulars of the duties, terms and conditions of the appointment and Form of Application can be obtained from the undersigned, to whom applications are required to be sent not later than December 7, 1951.

(Signed) GEOFFREY C. SCRIMGEOUR,
Clerk of the County Council.

County Offices,
St. John's House, Chester.

THE ASSISTANCE Department of the London Police Court Mission badly needs clothing of all kinds. Will Executors of Wills kindly note this?—Parcels may be sent to 2, Hobart Place, S.W.1.

ISLE OF ELY COMBINED PROBATION AREA

Appointment of additional Male Probation Officer

APPLICATIONS are invited for the additional appointment of full-time male Probation Officer in the above Area.

The appointment will be subject to the Probation Rules, 1949-50, and the salary will be in accordance with the scale therein specified. The Local Government Superannuation Act, 1937, will apply, and the successful candidate will be required to pass a medical examination.

Applicants should be able to drive a car, in respect of which a travelling allowance would be payable, on appointment, at the rate prescribed in the above-mentioned Rules.

Applications will be considered from persons at present under training, who are likely to complete their courses early in 1952.

Applications, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials must reach the undersigned not later than December 15, 1951.

R. F. G. THURLOW,
Clerk to the Combined Probation Area Committee.

County Hall,
March, Cambs.

November 15, 1951.

COUNTY OF DERBY

Appointment of Whole-time Woman Probation Officer

APPLICATIONS are invited for appointment of a whole-time Woman Probation Officer to serve the Chesterfield Borough and the Alfreton Petty Sessional Divisions of the Derbyshire Combined Probation Area.

The appointment and salary will be subject to the Probation Rules, 1949-50. The officer appointed will be required to provide a motor car (for which an allowance will be paid) and undergo a medical examination.

Forms of application may be obtained from the undersigned and should be completed to reach me not later than December 5, 1951.

D. G. GILMAN,
Clerk to the Derbyshire Combined Area Probation Committee.

County Offices,
Derby.

When replying to advertisers please mention the Justice of the Peace and Local Government Review

CITY OF MANCHESTER PROBATION SERVICE

Appointment of Whole-time Male Probation Officer

APPLICATIONS are invited for the above appointment. Applicants must be not less than twenty-three nor more than forty years of age, except in the case of whole time serving officers. The salary and conditions of service will be in accordance with the Probation Rules, 1949 and 1950.

The successful candidate will be required to pass a medical examination.

Applications, in own handwriting, stating date of birth, present and previous employment, qualifications and experience, together with two recent testimonials, must reach me not later than December 7, 1954.

WALTER LYON,
Secretary to the Probation Committee.

12 Minshull Street,
Manchester, 1.

NORTHAMPTONSHIRE COMBINED PROBATION AREA

Appointment of Senior Probation Officer

THE Northamptonshire Combined Probation Committee invite applications from male probation officers for appointment as Senior Probation Officer to serve in the Northamptonshire Combined Probation Area, with effect from February 1, 1952. Applicants must have had wide experience as probation officers and be capable of supervising the work of other officers.

The appointment and salary will be subject to and in accordance with the Probation Rules, 1949 and 1950, with an additional allowance of £50 per annum, and the Officer will be required to provide his own motor car. The post is superannuable and the successful applicant will be required to pass a medical examination.

Applications, stating age, experience and educational qualifications, together with copies of three recent testimonials, must reach the undersigned not later than Saturday, December 8, 1951.

J. ALAN TURNER,
Clerk of the Peace and of the Probation Committee.

County Hall,
Northampton.
November 17, 1951.

CITY OF SHEFFIELD

Appointment of Second Assistant Clerk

APPLICATIONS are invited for this appointment from Solicitors with a wide experience of the work of a Justices' Clerk and capable of sitting as Court Clerk without supervision. The appointment will be subject to the provisions of the Local Government Superannuation Act, 1937, and the person appointed will be required to pass a medical examination. He will be required to devote the whole of his time to his duties.

The salary will be on a scale rising from £750 per annum to £1,000 by increments of £50, the first increment to be paid on April 1, 1953.

The appointment will be subject to three months' notice on either side.

Applications, accompanied by three recent testimonials, must reach me, the undersigned, not later than Tuesday, December 11, 1951.

LESLIE M. PUGH,
Clerk to the Justices.

The Court House,
Sheffield, 3.

ESSEX PROBATION AREA

Appointment of Probation Officer

APPLICATIONS are invited for the appointment of a full-time male probation officer.

Applicants must not be less than 23, nor more than 40 years of age, except in the case of a serving probation officer.

The appointment will be subject to the Probation Rules, 1949, and the salary will be according to the scale prescribed by those Rules.

Applicants should be able to drive a car.

The successful applicant will be required to pass a medical examination.

Applications, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials, must reach the undersigned not later than fourteen days after the appearance of this advertisement.

W. J. PIPER,
Clerk of the Peace and of the Probation Committee.

Office of the Clerk of the Peace,
Tindal Square,
Chelmsford.

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